

5.6 C COMMERCIAL DISTRICT

- A. **District Purpose**. The purpose of this district is to accommodate a broad range of retail and commercial service establishments to serve the needs of both residents and the public.
- B. **Permitted Principal Uses**. Land and buildings in the C Commercial District shall be used only for the following purposes, provided no single tenant occupancy exceeds a floor area of 20,000 square feet and the Zoning Administrator finds that the proposed use satisfies all of the District Development Regulations of Section 5.6 E. of this Ordinance. Sector Numbers refer to the North American Industry Classification System, 1997; Office of Management and Budget; in effect on the effective date of this Ordinance. A complete list of uses can be obtained in the Township office.
1. Accommodations and Food Services (Sector 72)
 2. Administrative and Support Services (Sector 56) but excluding Waste Management and Remediation Services (562)
 3. Arts, Entertainment and Recreation (Sector 71) but excluding sexually oriented businesses
 4. Educational Services (Sector 61)
 5. Health Care and Social Assistance (Sector 62)
 6. Information Services (Sector 51) such as newspaper, software, book and music publishers but excluding sexually oriented businesses
 7. Management of Companies and Enterprises (Sector 55)
 8. Personal and Laundry Services (812) but excluding sexually oriented businesses
 9. Private Household Services (814)
 10. Professional, Scientific and Technical Services (Sector 54) such as legal, tax preparation, engineering and design services and veterinary services
 11. Public Administration Services (Sector 92)
 12. Real Estate Rental and Leasing (Sector 53)
 13. Religious, Grantmaking, Civic, Professional, and Similar Organizations (813)
 14. Retail Trade Establishments that sell merchandise directly to the consumer (Sectors 44 and 45), but excluding sexually oriented businesses, drive-thru businesses, outdoor sales, and buildings exceeding 2,000 square feet.
 15. Retail lumber yards, including mill and sash work, if conducted in a completely enclosed structure.
 16. Wholesale Trade Establishments (Sector 42)
 17. Essential services but excluding telecommunications towers
 18. Uses customarily accessory and incidental to a principal use
- C. **Uses Permitted with Special Conditions**. Land and buildings permitted with special conditions shall be used for the following purposes, provided no single tenant occupancy exceeds a floor area of 20,000 square feet, the Zoning Administrator finds that the following conditions are satisfied, and further provided that the proposed use satisfies all of the District Development Regulations of Section 5.6 E. of this Ordinance.
1. Repair and Maintenance Services (811) provided that all operations are conducted within a completely enclosed structure.
 2. Drive-thru Businesses as accessory to a principal use subject to the following conditions:

- a. Service lanes shall be designed for a one-way traffic flow only.
 - b. Sufficient vehicle stacking space shall be provided so that motor vehicles will not interfere with circulation on sidewalks, streets, and highways.
 - c. The drive-thru function shall be physically separated from customer parking areas. The physical separation shall be achieved through structures, curbs, islands, or other permanent structures.
3. Manufactured Home Sales when part of a manufactured home development provided the requirements of this district are met.
 4. Outdoor display and sales of merchandise subject to the following conditions:
 - a. Outdoor sales shall be accessory to a principal use on the same lot.
 - b. The outdoor display of merchandise for sale shall be limited to paved surface areas.
 - c. All repair and service shall be done within an enclosed building.
 - d. All outdoor storage of trash, vehicle parts and similar items shall be screened from view from residential areas and public streets and highways.
 5. Building, Developing, General Contracting (Sector 233) and Special Trade Contractors (Sector 235) provided that all operations, materials, and supplies are conducted and stored within a completely enclosed structure.
 6. Contractors equipment storage yards associated with a permitted contractors operation provided the outdoor storage of equipment is located in the rear yard and is screened from view from residential areas and streets to a height of eight (8) feet above the ground.
 7. Permitted Commercial Uses that abut a residential district subject to the following buffering requirements:
 - a. The Planning Commission may determine that adjoining uses are not incompatible and that minimal landscaping or buffering, as required by Article IX, Site Plan Review, is acceptable.
 - b. Where the Planning Commission finds that adjacent uses or uses located on opposite sides of a street, will be incompatible attributable to outdoor storage, parking, loading, or similar activities, a landscaped buffer shall be required adjacent to the common property or street line consisting of combinations of vegetation, berming, decorative walls, and fencing. Said buffer shall screen the activity from view of the residential district to an opacity of 85% at least to a height of six (6) feet for interior side and rear yards. Fencing alone shall not be considered to be acceptable screening and shall not be used in front or street side yards. Such screening shall not exceed a height of three (3) feet in a front or street side yard.

D. **Uses Permitted by Special Use Permit.** Land and buildings permitted by Special Land Use Permit shall be used only for the following purposes, provided the Planning Commission finds that all of the District Development Regulations of Section 5.6 E. of this Ordinance are satisfied and further subject to the General Standards and Specific Requirements of Article VIII of this Ordinance are satisfied.

1. Sexually Oriented Businesses.
2. Telecommunication Towers.
3. Mixed-Use PUDs.
4. Municipally owned outdoor storage yards.

5. Single tenant occupancies exceeding a footprint of 20,000 square feet. No single tenant occupancy shall exceed a footprint area of 90,000 square feet.

E. **District Development Regulations.** The following development regulations shall apply to all uses and structures within the C Commercial District.

| | |
|-------------------------------|------------------------|
| 1. Minimum Lot Width | 80 FT ¹⁾ |
| 2. Maximum Structure Height | 35 FT |
| 3. Minimum Front Yard | 25 FT ^{2) 3)} |
| 4. Minimum Interior Side Yard | 25 FT ³⁾ |
| 5. Minimum Street Side Yard | 25 FT ^{2) 3)} |
| 6. Minimum Rear Yard | 25 FT ³⁾ |

¹⁾ As measured at the front building line. See Section 3.18 for access management requirements. Lot width on US-31 and M-66 shall be at least 150 feet as measured at the right-of-way line unless the spacing requirements of Section 3.18 are fully satisfied or the lot requires no direct access to the highway.

²⁾ Off-street parking and the display of merchandise for sale shall not be located nearer the street or Highway right-of-way line than the required building setback.

³⁾ Any yard abutting or across a street from a C-Commercial or I-Industrial district may be reduced to 10 feet, except that no reduction in any yard abutting a public street shall be permitted. For a development consisting of more than 10 acres that is planned and developed by a person as a unit, any yard abutting a C-Commercial or I-Industrial district may be reduced to 0 feet, except that no reduction in any yard abutting a public street shall be permitted.

F. **Procedural Requirements.** All uses in the C Commercial District shall be processed in accordance with Article IX, Site Plan Review.

ARTICLE IX SITE PLAN REVIEW

9.1 INTENT AND PURPOSE

Site plan review is intended to insure that developments comply fully with Township ordinances and state, and federal standards and are able to be adequately serviced by public services and facilities while maintaining a high degree of compatibility with surrounding development and the natural environment.

9.2 SITE PLANS REQUIRED; EXEMPTIONS

- A. **Site Plans Required.** No building shall be erected or structurally altered, no change in use shall be permitted and no grading, or excavation shall be commenced on any lot or parcel until a site plan that meets all of the requirements of this Article has been approved by the Planning Commission.
- B. **Exemptions.** With the exception of lots abutting US-31, M-66, and Boyne City Road where site plans shall be required for all uses, the Planning Commission may exempt the following from site plan review when it determines that the submission of a site plan would serve no useful purpose and the proposed use complies fully with ordinance requirements:
1. Accessory structures that require no new or additional access to/from public roads.
 2. An enlargement of a principal building by less than 10 per cent of the existing gross floor area provided such enlargement will not result in a requirement for additional parking or access to a public road.
 3. A change in a principal use where such change will not result in the expansion of an existing structure, an increase in impervious surface, additional access, or other alterations to the existing site conditions.
 4. One and two-family dwellings except that any such dwelling located in a critical dune area shall not be exempt from site plan review.
 5. Home-based businesses.

9.3 SITE PLAN REVIEW PROCEDURES

- A. **Procedures For All Site Plans.**
1. **Optional Sketch Plan Review.** Before submitting a formal application, the applicant may request a meeting with the Planning Commission to review the project. The purposes of the optional sketch plan review meeting are to allow the prospective applicant the opportunity to present preliminary sketches of the proposed development and seek input from the Planning Commission prior to the preparation of detailed plans. Statements made in the course of the sketch plan review meeting shall not be construed to be legally binding commitments on the part of either party.
 2. **Application.** An applicant shall apply for site plan review not less than 30 calendar days before the date on which such site plan shall be reviewed by the Planning Commission. Seven (7) copies of the application, support documentation, and site plan shall be submitted to the Planning Commission Chair for review according to the standards and requirements of this Ordinance.

3. **Planning Commission Chair Review.** The Planning Commission Chair shall circulate site plans to the appropriate officials for comments and recommendations as to their conformance with applicable standards and requirements.
 4. **Approval; Referral.** Once the Planning Commission Chair deems the site plan to be complete, the site plan shall be referred to the Planning Commission for review. If modifications are recommended, the applicant shall be notified in advance of the Planning Commission meeting so that adjustments can be made prior to such meeting. A site plan shall be deemed approved only upon the signature of the Zoning Administrator.
- B. **Planning Commission Review.** Once a site plan is forwarded to the Planning Commission, the Commission shall review the site plan according to the standards and requirements of this Article. The Commission shall approve the site plan if it is in conformance with the requirements of the zoning ordinance, is in substantial compliance (see page 40) with a PUD or PRD Master Development Plan, and is consistent with the Township Master Plan, other applicable Township plans and ordinances and state and federal statutes. If the Planning Commission finds that the site plan is not in conformance with applicable Township plans and ordinances the Commission shall deny the site plan, stating the reasons for denial in writing.

9.4 SITE PLAN REQUIREMENTS.

- A. **Submission Requirements.**
1. **Support Documentation.** At a minimum, the following support documentation shall be provided with the application:
 - a. The property owner's and applicant's full name, address, telephone number and proof of ownership;
 - b. A signed statement that the applicant is either the owner or officially acting on behalf of the owner of the property;
 - c. The name and address of the engineer, architect or landscape architect who prepared the site plan;
 - d. Project description including the total number of structures, units, bedrooms, square feet of floor area, parking spaces, residents, employees, customers, and related information;
 - e. The tabulation of the gross and net acreage of all parcels in the project;
 - f. Existing land uses, zoning, and existing structures on and within 100 feet of the subject parcel;
 - g. A written description identifying the probable project impacts on the existing infrastructure and services (streets, schools, utilities), the natural environment and the surrounding neighborhood and the measures to be employed to mitigate such effects.
 2. **Site Plan.** The site plan shall consist of an accurate reproducible drawing or drawings, illustrating the site and areas within 100 feet of the site. Site plans shall be sealed by a registered architect, engineer, or landscape architect and shall be drawn to scale and rendered on a minimum sheet size of 24 inches by 36 inches. Site plans shall include the following:
 - a. Legal description, property lines, lot lines, property dimensions, and setback lines;
 - b. Scale, north arrow, date and vicinity map;

- c. Road locations and names, existing road and alley pavement and right-of-way widths, the location and width of existing and proposed utility easements, the size and location of existing and proposed public utilities, building service lines and wells and the location and number of curb cuts and driveways;
- d. Existing topography and a detailed grading plan at two (2) foot contour intervals;
- e. Location and type of existing vegetation and any significant site amenities and how they will be altered by the project;
- f. Location and elevations of water bodies and courses, floodplains, drainage ways and wetlands and how they will be protected or altered by the project;
- g. Location, size, height and dimensions of existing and proposed structures and typical elevation drawings for proposed structures;
- h. Location and dimensions of proposed streets, drives, curb cuts, intersection clear zones and acceleration and deceleration lanes that are to serve the project and any access management measures that are required to minimize traffic conflicts along US-31 and M-66;
- i. Location, size and design of sidewalks, walkways, bicycle paths and other areas of public use;
- j. Size, number, location and design of parking and loading areas;
- k. Location of all other utilities on and adjacent to the site including, but not limited to, natural gas, electricity, cable TV and telephone services;
- l. Proposed location of accessory structures, buildings and uses including, but not limited to, docks, flagpoles, storage sheds, transformers and similar facilities.
- m. Required setback lines, lot size, lot coverage and any variances to be requested;
- n. Proposed layout, dimensions and locations of common open spaces and recreation facilities;
- o. The proposed location, size and dimensions of drainage areas and storm water detention ponds;
- p. A storm water management and soil erosion control plan;
- q. The location, size, height, and orientation of all existing and proposed signs.
- r. Detailed landscaping plan illustrating the size, location, species and numbers of plant materials;
- s. The location and design of exterior ornamental and security lighting;
- t. Location, design, materials, and height of proposed fences, walls, and other screening devices.
- u. Location, size and screening of all trash receptacles and solid waste disposal facilities;
- v. Location of any existing and proposed above or belowground storage facilities for salts, flammable or hazardous materials, and any requirement for containment structures or clear zones as may be required by governmental agencies.
- w. The following additional information may be requested by the Planning Commission:
 - 1) A report describing the soil types and the ability of soils to accommodate the proposed development;

- 2) A tree location survey signed by an engineer, surveyor or landscape architect, showing all existing trees having a diameter at breast height of six inches or greater, the common and/or scientific names and the diameter at breast height of these trees, plus an indication of trees to be preserved, to be transplanted, or to be removed during site development. Closely grouped trees shall be designated by the predominate species represented, the number present and the diameter at breast height range of the group or clump;
 - 3) A traffic study indicating the numbers of vehicles that will be generated by the development, potential areas of congestion or conflict, and the improvements that will be required to mitigate traffic impacts
- B. **Waiver.** The Planning Commission may waive any or all site plan requirements if the construction or alteration does not affect existing traffic circulation, drainage, grading, relationship of buildings to each other, landscaping, buffering, lighting, parking and other considerations of site plan review. Any of these requirements may be waived by the Planning Commission where, in its judgment, such data will not bear on the decision of the Planning Commission.
- C. **Appeals.** An applicant may appeal a decision of the Planning Commission, the Zoning Administrator, or the Planning Commission Chair to the Zoning Board of Appeals.

9.5 **BASIS FOR DETERMINATIONS.**

- A. **Standards for Granting Site Plan Approval.** Before approving or disapproving a site plan, the Planning Commission shall review each application to determine that the proposed use meets the following general standards. The Commission shall find that each proposed use on the proposed location:
1. Shall be designed, constructed, operated, and maintained to be harmonious, compatible, and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the area or neighborhood in which it is proposed to be located.
 2. Shall not be hazardous or disturbing to existing or future uses in the same general vicinity and will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
 3. Shall be adequately served by essential public facilities and services, such as streets, police and fire protection, drainage improvements, refuse disposal, water and sewage services, and schools or that persons responsible for the establishment of the proposed use shall, in the opinion of the Planning Commission, provide adequate private services and facilities in lieu of public facilities and services.
 4. Shall minimize traffic conflicts and maintain traffic capacity by employing sound access management principles.
 5. Shall not create excessive additional public costs for facilities and services.
 6. Shall not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by emitting fumes, dust, glare, vibrations or odors.

7. Shall preserve, to the maximum extent possible, the natural resources of the site and area.
8. Shall be consistent with the specific standards and the intent and purposes of this and other Township ordinances and the Township Master Plan.
9. Shall meet the standards and requirements of other governmental agencies and approval has already been obtained or is assured.

B. **Conditional Approvals.** The Planning Commission may attach conditions and safeguards deemed necessary to the approval of the site plan, for the general welfare, for the protection of individual property rights, and to insure that the purposes and spirit of this Ordinance and the district will be satisfied when such conditions:

1. Insure that public services and facilities affected by a proposed land use or activity are capable of accommodating increased service and service facility loads caused by the land use or activity,
2. Protect the natural environment and conserve natural resources and energy,
3. Insure compatibility with adjacent uses of land,
4. Promote the use of land in a socially and economically desirable manner, and
5. Are related to the valid exercise of the police power under this Ordinance and the purposes which are affected by the proposed use or activity.

C. **Recording Conditions.** The conditions and/or safeguards imposed, if any, on the site plan shall be recorded in the record of the approval action and shall remain unchanged except upon mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of the conditions that have changed or been imposed.

9.6 SITE PLAN AMENDMENTS.

No change shall be made to an approved site plan prior to or during construction except upon application to the Planning Commission in accordance with the following procedures:

A. **Minor Change.** A change to a site plan involving minor changes in the siting of buildings, the adjustment of utilities, walkways, traffic ways and parking areas and similar minor changes may be approved or disapproved by the Planning Commission Chair or referred to the Planning Commission by the Chair.

B. **Major Change.** A change or amendment involving a change in the number and location of accesses to public streets and alleys; an increase or decrease of over ten percent in gross floor area or in the number of parking spaces; a major relocation or re-siting of a building, a reduction in open space and similar major changes shall require the approval of the Planning Commission. A major change to a site plan before or during construction shall be approved by the Planning Commission.

9.7 SITE PLAN EXPIRATION AND REVOCATION

A. **Expiration.** An approved site plan shall expire if a zoning/building permit has not been issued within 12 months following the date of approval of the site plan. The Planning Commission may, upon written request by the applicant, waive or extend the period of time in which the site plan is to expire if the Planning Commission is

satisfied that the applicant demonstrates a good faith effort to proceed with construction. In the event no such request is made in writing by the applicant within the initial 12-month approval period, the Zoning Administrator shall notify the applicant in writing of the expiration of said site plan. If a zoning/building permit has been obtained within the 12-month period following approval of the site plan, but work ceases or substantial progress is not made for any 12-month period thereafter, the site plan shall expire and the applicant shall be so notified in writing by the Zoning Administrator.

- B. **Revocation.** The Planning Commission shall have the authority to revoke site plan approval at any time, following a hearing, if construction of the approved project is deemed by the Zoning Administrator not to be in conformance with the approved site plan. Upon discovery of a violation, the Zoning Administrator may issue a stop work order and a notice to the applicant to appear before the Planning Commission. Notice of the hearing date shall be provided to the applicant no less than 10 days prior to the date of the hearing.